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RAMAPO JOB ILLEGAL.

THE CONTROLLER GETS AN OPINION FROM EX-JUDGE DILLON.

THE CONTRACT WOULD BE IN VIOLATION OF THE CHARTER, HE SAYS-INJUNC-TION SERVED ON THE BOARD OF PUBLIC IMPROVEMENTS.

Controller Coler a few days ago applied to ex-Judge John F. Dillon, who was a member of an opinion as to the legality of the proposed contract with the Ramapo Water Company, which some of the Tammany members of the Board of Public Improvements sought to force upon the city at the meeting of the Board on Wednesday of last week. The Controller did not believe that the contract with the water company would be legal if it were passed by the Board, and he sought the advice of ex-Judge Dillon on that point. Yesterday he received an opinion from ex-Judge Dillon, declaring that the proposed contract would be

#### THE OPINION.

wholly illegal.

At the instance of the Controller, we have le New-York, and all the provisions of the State of Grester New-York applicable to this matter of aving any bearing upon it. It is demonstrably elear at there is no authority vested in the Commissioner of Water Supply to make any such contract, and that such contract is wholly ultra vires; in out, the proposed contract, made only under the metion of the Hoard of Public Improvements and a Water Commissioner, has not, in our juds-int, a single legal leg to stand on. The scheme the Greater New-York charter in respect to water supply of the city is very piain.

Inder Sections 1, 42 and 472 the city of New-ik, through the action of the Commissioner of ser Supply, the Board of Public Improvements, Board of Estimate and Apportionment and the licipal Assembly, has ful power, without any regislation, to determine all sources of water by for the city of New-York anywhere within State, Having selected and determined the municipal authorities the state has a supply, then by the action of the he State. Having selected and determined the ource of water supply, then by the action of the aid municipal authorities the city of New-York as the power to acquire by condemnation any real state or any interest therein that may be necessary in order to acquire the sole and exclusive roperty in such source or sources of water supply, and to wholly extinguish the water rights of relates expressly to the power of the city of few-York to acquire additional water works, and hat section is as follows:

"The Municipal Assembly is authorised, in according with the provisions of this act, to construct, stablish and maintain, or to acquire by purchase

y part thereof and its inhabitants with water, it to provide for the distribution and sale to the abitants of the city of such water, and fix the ms thereof, and acquire and hold property, real i personal, within and beyond the limits of the v for said purposes. The Municipal Assembly y pass appropriate ordinances, not inconsistent h law, with this act or with any vested rights existing companies or corporations, to enforce existing companies or corporations, to enforce provisions of this section and to carry out its

## BONDS MAY BE ISSUED

Inder other provisions the cost of acquiring these the policy of New-York to own its own water works having been so pronounced, it will not lightly be supposed that the charter conferred upon some administrative officer or some administrative body the power to overturn this policy. But the Water Commissioner recites in the proposed contract that it is authorized by Sections 415, 457 and 411 of the Greater New-York Charter. The general provisions of Section 415, apecifying generally the subjects over which the Board of Public Improvements has power, and of Section 457, as to the execution by the Commissioner of Water Supply of authorized contracts, cannot be seriously claimed to be any source of authority for the proposed contract with the Ramapo company, but more importance is supposed by the supporters of the Ramapo scheme to be attached to Section 478, which reads as follows:

"It shall not be lawful for the Commissioner of Water Supply to enter into any contract whatever with any person or corporation engaged in the business of supplying or selling water for private or public use and consumption, unless, preliminary to the execution of the contract, the assent of the Board of Public Improvements, after submission to it of the proposed contract in all its details, shall be given by resolution to the execution of such contract as submitted, and it shall not be lawful for the said city of New-York, or for any department thereof, to make any contract louching or concerning the public water supply, and especially the increase thereof, with any person or corporation whatsoever, save in accordance win the provisions and requirements are hereby declared to establish the exclusive rule for the making of such contract."

If this section be read carefully it will be seen

the exclusive rule for the making of such contracts."

If this section be read carefully it will be seen that it does not contain any grant or power whatever to the Commissioner of Water Supply to make a contract, or to any one else to make such a contract as is proposed, or any contract whatever. So far from being a grant of power, it is a limitation upon the power of the Water Commissioner to make contracts. It was not smuggled into the charter by anybody. It means just what it says—a limitation upon the power, and not a grant of power. The purpose of this section is that whenever any contract within the power of the city has been duly authorized by the proper officers or bodies, the Commissioner of Water Supply shall not even then enter into it, unless he submits all the details of the contract to the Board of Public Improvements.

details of the contract to the Board of Public Improvements.

The Greater New-York Charter having clothed the city with full power to acquire for itself additional water supply in any and every part of the State by the concurrent action of the Board of Public Improvements, the Board of Estimate and Apportionment and the Municipal Assembly, no court can be justified in holding that Section 471 authorizes the Water Commissioner, on the mere assent of a majority of the Board of Public Improvements, to overturn the whole policy of the Charter in respect of water supply and to make a contract which will disable Greater New-York from acquiring for itself a water supply whenever and wherever it desires to do so.

For example, if this contract were good and New-York City should to-morrow or next year say "We want to acquire water supply from additional sources and construct the works ourselves," the effect of this contract would be to obstruct the city of New-York from acquiring what every other large city in the world, except London, has, an exclusive water supply of its own.

## A VITAL OBJECTION.

Another vital objection to the proposed ontract is found in Sections 149 and 1.54! The express provisions of the charter are that no expenses shall be incurred nor debts contracted unless an appropriation shall have oeen previously made therefor. Accordingly. Section 1.50 enacts that 'no expense shill be incurred by any of the departments, boards or officers thereof, unless an appropriation shall have been previously made covering such expense, nor any expense in excess of the sum appropriated in accordance with law." So, in Section 149, it is expressly provided that no contract hereafter made (except in relation to local improvements not here applicable) shall be binding or of any force unless the Controller shall indorse thereon his

force unless the Controller shall indorse thereon his certificate that there remains a balance unexpended and applicable or an appropriation or fund applicable thereto sufficient to pay the estimated expense of executing such contract, as certified by the officers making the same." A mere administrative officer, like the Water Commissioner, not elected by the people has no power under the charter of the city of New-York to incur a debt for knowledge, and a suppropriation by the elected fersesentatives of the people.

When the scheme of the charter and its provisions are carefully studied, it will be seen that the checks which that charter has provided in requiring the concurrent action of the Board of Public Improvements, Board of Estimate and Apportionment and of the Municipal Assembly are all-sufficient to protect the city against this Ramapo scheme and the supposed power of one administrative officer not elected by the people, by the mere sanction of the majority of the Board of Public Improvements (also not elected by the people), to overturn the express provisions of the charter, and the long established policy of the city, in pursuance of which it has already expended more than 300,000,000 in acquiring a water system of its own. Even if it be suggested by the supporters of the Ramapo Water Company contract that the charter of that company confers the power upon that company and also upon the city of New-York to enter

CUBAN SOLDIERS KILLED.

FIGHT OVER THE PAYMENT OF EX-IN-SURGENTS NEAR SANTIAGO.

FIVE MEN DEAD AND TEN WOUNDED-TROUBLE CAUSED BY THE

Santiago de Cuba, Aug. 23.-Five men are dead and ten wounded as the re-ult of a fight last night between gendarmes and disappointed Cuban soldiers at Cuevitas, three miles from troops is being made. Five thousand Cubans Division of the Central Railroad of New-Jersey had gathered there to receive pay, and after just north of here. The dead are: three days only 580 had been aid. Thousands who had been disappointed at other points had come to Cuevitas, as the last place of payment

in the province. and a rumor circulated yesterday that the paymasters would leave Santiago to-day alarmed the men who had not been paid. They began to collect in groups and to show their annoyance. Finally their threats became serious

present to preserve order among the applicants. Mrs. Trippe at the cottage of George M. Sandt and the United States troops protected Colonel Moale, the officer having charge of the pay-Suddenly Captain Ballat, who was mounted, was surrounded by a mob, struck by men promptly fired a volley into the mob, three wounded, two of whom died this morning.

Colonel Moale's guard promptly surrounded the money office, but took no part in the

Por a few minutes there was a lively con- by the party the view being cut off by a clum flict, carbines and machetes being used freely. of trees. The crossing is a dangerous one, and the dead were colored Cuban soldiers.

All the dead were colored Cuban soldiers.

This morning payment was resumed under a heavy guard. There are rumors that a force is being organized to attack the pay office, but these are probably unfounded. General Castillo, Civil Governor of Santiago

de Cuba, was at Cuevitas at the time, and soon restored order. There is no doubt that the inaccurate list will cause a great deal of hardship. Many vet-erans have followed the United States paymasare not listed. General Leonard Wood, Military however, anticipate seri ous trouble.

### BOER REPLY DELIVERED.

NOW BEING CONSIDERED BY MR. CHAM-BERLAIN-MOVE AND COUNTER MOVE.

the Colonies, Joseph Chamberlain, has received the text of the Transvaal's reply to the proposals of the British Government, and now has it under consideration. The members of the Cabinet are within reach, but until the Govern-

ish Agent and Charge d'Affaires at Pretoria, to day presented to the Government a further dispatch from the British Secretary of State for the Colonies. Mr. Chamberlain, the nature of which has not yet been divulged. The presumption is that it is connected with the recent pour-

The members of the Executive are apparently more cheerful

official source of information it is ascertained that the substance of the Transvaal's communication to the British Government in reply to the latter's demands is a concession of a five years' of the President and an increase in the repre shall not use the present interference as a precedent, and that the British Government shall relinquish all suzerainty rights.

## BOER SYMPATHIZERS IN NATAL

Pietermaritzburg, Natal, Aug. 23.-In connection with the rumor that there are many Boers who are British subjects and who outwardly sympathize with the British, while in reality they are secret agents of President Krüger of the Transvaal Republic, the Premier of Natal yesterday morning declared that it was the intention of the Government to take steps to detect and punish any British subjects co-operating with the enemies of the Queen.

It is alleged that much secret information has been conveyed to President Krüger, and that even ambuscades have been prepared for the British troops in the event of war by these

secret agents.

A force of police has been ordered to Colenso owing to rumors of the intention of the Boers to destroy the railroad bridge at that place,

THE CONFISCATED CARGO OF ARMS. Lourenzo Marquez, Delagoa Bay, Aug. -The detained ammunition intended for the Transvaal has been removed to the Portuguese troopship India.
It is reported the Boers contemplate sending

ommands for the ammunition. A BIG ORDER FOR MAUSER CARTRIDGES.

Birmingham, England, Aug. 23 -A firm of this place has received an order for fourteen million Mauser cartridges for urgent delivery to South Africa. Secrecy is being observed as to the exact destination of the cartridges, but it is said that the Boers alone use Mauser rifles in that

MOBILIZING RECRUITS AT THE CAPE. The Mefeking Horse Regiment is mobilizing Cape Town, Aug. 23.-The Mefeking Horse Regiment is mobilizing rapidly. Several hundred recruits have arrived and been equipped here, and have joined Vivian's camp. Every train is bringing fresh recruits.

It is rumored that three hundred Boers have

formed a laager on the border.

THREE HUNDRED MILLION DOLLAR TRUST.

WINDOW GLASS MANUFACTURERS HAVE COM-BINED-WILL BE INCORPORATED

Chicago, Aug. 23.—A special dispatch to "The Record" from Martinsville, Ind., says:

"Manufacturers representing 92 per cent of the window glass production of the United States have organized into a trust, which will be capitalized for \$300,000,000. It will be known as the American Window Glass Company, and will be incorporated next week in New-Jersey and Pennsylvania,

"The manufacturers are to receive 40 per cent in cash for their holdings and 60 per cent in the ust. The preferred is to earn 7 per cent annually before anything goes to the common stock. The officers will be James A. Chambers, Pittsburg president: E. H. Hart, Muncie, Ind., vice-president Joel Sayre, Pittsburg, treasurer, and E. I. Philipps Pittsburg, secretary.

BELIEVE THE END OF THE WORLD IS NEAR, St. Petersburg, Aug. 23.-Reports from Southern Russia say that a current rumor of the approach-Russia say that a current rumor of the approaching end of the world is causing a panic among the uneducated classes. At Kharkov, the capital of the government of that name, workmen are leaving the city in large numbers, wishing to spend what they consider their linat days at their village homes. The factory owners have asked the police to stop this emigration in order to prevent the rulm of business.

MANHANSET HOUSE, SHELTER ISLAND, will remain open until Sept. 15th, and later, if busi-warrants.—Advt.

DEATH AT GRADE CROSSING CAMPAIGN TO BE PUSHED. FOUND IN A PAUPER GRAVE. DREYFUS'S CAUSE GAINS

KILLED.

RUN DOWN BY AN EXPRESS TRAIN AT AN UNPROTECTED CROSSING NORTH OF LONG BRANCH-THREE ES-

CAPE WITH INJURIES.

Long Branch, N. J., Aug. 23 (Special).-Three persons were killed this evening by the 6 o'clock ex ress train at the crossing of the Southern

TERRY, Miss Katie Louisa, twenty-two years old. TERRY, Miss Juanita, thirteen years old TRIPPE, Charles W., jr., three years old. The injured are:

TRIPPE, Juan, three months old. The Misses Terry, whose parents are dead, lived with their sister, Mrs. Trippe, whose New-They had been spending the summer with

adjoining the Rumson Beach Hotel.

each occasion has refused. Owing to the noise of the passing local train, nothing was heard of the express

Juanita Trippe. The horse balked on the track. The next instant the express was upon them. There was a crash followed by several groans

wrecked, and the occupants were hurled into the air. Juanita Terry and Master Trippe were killed almost instantly. Louisa Terry fived fif-

eved the bodies to his Long Branch morgue.

tage, and Dr. S. H. Houghton was summoned. The nurse, Miss Faure, was cut over the eye Mrs. Trippe and her child Juan were bruised, their injuries are slight. The nurse held to the child, who clung to her arms. Charles Trippe, who is connected with the Health Department of New-York, when seen to-night said he was glad the accident was no worse. "My wife and baby might have been killed as well," said he. "The crossing is a bad one, and a gateman should have been stationed

The engineer of the express train, Martin Maleney, is one of the most popular employee of the road. It was his train that killed James Holmes Fowler at Highland Beach last Satur-An inquest will be held to-morrow by Coroner

## CAUGHT IN A SEA PUSS.

WOMAN AT ASBURY PARK.

in New-York and living in West Hoboken; Anton; D. H. Moenck, of Philadelphia; Harry Keene, of the Chauncey Olcott theatrical company; Percy Van Norden, of New-York; Frank Conklin, of Brooklyn; C. Arrowsmith, of Princeton: Bathing Masters William Hurley and Charles Murphy, of the Asbury Park Bathing Grounds, and Bathing Masters Archibald Gifford and Elisha Tilton, of the Ocean Grove Bathing Grounds, were the actors in a thrilling rescue to-day. Boehler and Bassave were in the greatest peril, and Miss Gussie McFadden was at one time in imminent danger of being held in a drowning man's viselike grip.

Moenck Keene, Van Norden, Conklin and Arrowsmith attempted to rescue Boehler and Hassave, who, with the young women and Moenck, were two hundred and fifty feet beyond the lifelines and were caught in a sea puss. Hoehler was sinking and Moenck went to his assistance. When he saw the Asbury Park bathing masters plunge into the water he held Gussle McFadden was near the drowning man. who caught her and almost succeeded in taking her and Moenck down with him. At the most her and Moenck down with him. At the most critical moment the bathing masters came to the rescue. They, in turn, were helped by the Ocean Grove Life Guards, who came in a surf boat. At one time it seemed as if the entire party, including the life guards, would be drowned, but the boat's timely arrival with the life guards prevented a tragedy. Two men had hold of Bassave, pulling him in opposite directions and Charles Murnby pulled the three to tions, and Charles Murphy pulled the three to the boat. Miss Heien McFadden was the most fortunate of the party. She escaped being caught by any of those struggling in the water, and was able to make land uraided.

THE PLAGUE IN PORTUGAL.

TWO WORKMEN IN LISBON DEVELOP SYMPTOMS OF THE DISEASE.

Lisbon, Aug. 23.-King Charles to-day signed a decree establishing a sanitary cordon around Oporto during the continuance of the bubonic plague there.

The Lisbon papers assert that two workmen who recently arrived from Oporto, have devel-oped symptoms of the plague.

DENIAL THAT THE PLAGUE IS IN ITALY. Health Officer Doty has received a cable dispatch m Naples saying that it is officially denied that bubonic plague in Italy.

PRUSSIAN CROWN COUNCIL HELD.

DECISION REACHED NOT TO DISSOLVE THE CABINET.

Berlin, Aug. 21-A Prussian Crown held to-day. The Emperor presided. It lasted two and one-half hours. Before the session of the Council His Majesty received a report of the situation from Dr. von Lucanus, Chief of the Emperor's It is understand that as a result of the co

the Cabinet will remain in office, and there will be no dissolution. It is possible, however, that the Minister of the Interior, Baron von der Recke von Horst, will be replaced, he having bungled

der Horst, will be replaced, he having bungled some instructions from the Emperor regarding the votes on the Canal bill in a manner irritating to the Conservative party.

The dismissal of some dozen district presidents who contributed to the defeat of the bill is also expected.

It is believed that Emperor William now regrets his visit to Dortmund and the speech he delivered there, which was made without full knowledge of the temper of the parties on the Canal bill. It is thought he will now wait until next session, when he will try to arrange some compromise.

thought he will now wait until next se he will try to arrange some compromise.

TWO ORPHAN SISTERS AND A CHILD TWENTY NEW REGIMENTS WILL BE HURRIED TO MANILA.

> FERENCE WITH THE PRESIDENT -WILL NOT SAY WHETHER MER-

RITT IS TO SUCCEED OTIS

Washington, Aug. 23.-Secretary Root returned to the city to-night from his visit to the President at Lake Champlain. He went at once to his rooms in the Arlington Hotel, and spont some time in conference with General Corbin and Assistant Secretary Meiklejohn. The ference with the President. The matters discussed, he said, were such as would ordinarily be taken up at a Cabinet meeting, and involved no great departure from the policy already in ce respecting the Philippines

That the campaign in the Philippines is to be pushed vigorously and promptly is evident from e remark the Secretary made to the reporters. This statement

tt, who has also been at Lake Champlain was non-committal. He evaded all questions on

made to relieve the suffering caused by the hurricane. The Secretary is gratified at the responses that have been made to the appeals for assistance, and noted the fact that \$40,000 or \$50,000 in morey has been raised for this pur-

#### MILES SPEAKS OF THE WAR.

HE COMMENDS OTIS AND CHARGES LACK OF RESULTS TO INADEQUATE FORCE.

Philadelphia, Aug. 23 (Special).-Major General Miles was in the city for a few hours tofriends, including General Pennypacker, his old omrade in aims, he resumed his journey to Washington. In conversation with a Tribune rrespondent the General said:

The new Secretary of War is a man of busiss. As a result very different conditions already exist. The interests of the country have demanded a vigorous prosecution of the war in the Philippines, now they will have it.

"I know nothing about a change of commanders on the islands. My command of the Army has nothing to do with administration. As Major General commanding, I am responsible for the health and discipline of the Army. Both

are in excellent condition. "General Otis is a fine officer. That has been demonstrated by the splendid morale of the Army, its health and its efficiency in the field in

the Philippines. "The inadequate force to meet the requirements has been the cause of somewhat abating the results which have been achieved. Our nemy in numbers, has been vi-Ashury Park, N. J., Aug. 23 (Special),-Lewis every engagement. The Army may be large A. Boehler, a real estate agent, doing business and valiant enough to defeat an enemy quad- I have gone over the evidence in the case, which and the sum Dreyfus lost. Next, M. Debreuil ruple its size, but it takes additional force to is very voluminous, covering as it does the showed equally astounding forgetfulness on es-

> out duties about the camp and in hospitals, transportation, sickness and various other causes. In the Civil War only a portion of the Army operated on the fighting line. A great bulk of the troops were engaged in various duties in the rear.

"Much embarrassment has been occasioned shall make my report to President McKinley. by the supplying of the enemy with food and munitions of war by their friends in Manila and from their friends in 'the States.' It is difficult to discriminate in the enemy's country between non-combatant friends and foes."

#### CHINESE EXCLUSION LAWS ENFORCED. GENERAL OTIS'S ACTION A SURPRISE TO AUTHORITIES IN WASHINGTON.

has been informed through a diplomatic channel Boehler, who struggled fiercely with him. Miss that General Otis has applied the Chinese exclusion laws to the Philippines. The information was a surprise to the authorities here, both State and military, as the matter has been under consideration for some time, and it was not known that General Oris had put the exclusion dispatch received a few days ago from the Chinese Consul at Manila, telling the Chinese Legation here that the exclusion laws against Chinese had been applied to the Philippines. The dispatch was brought to the attention of the State Department, and inquiry made as to how the action was brought about, as the Chinese Government has been most solicitous, since laws should not be extended over the islands. The State Department knew nothing of such an extension, and made inquiry of the War Department. The military authorities, however, were equally without information as to General Otis's

Accordingly, the Chinese officials were advised that any action taken by General Otis in applying the exclusion laws to the Philippines was not the result of instructions sent from Washington, but was doubtless due to the exercise of his authority as Governor General of DR. ROBINSON SAYS THEY MUST LEARN HOW TO the Philippines. What further step the Chinese authorities will take has not been determined, as Minister Wu Ting Fang is out of the city for a few days. There is little doubt, however, that he will seek to have General Otis's order held in abeyance until the authorities here pass on the general question, which has been under consideration between the two governments.

The State Department has received an imp tant letter from Mr. Williams, formerly Consul at Manila, who still remains there in a confidential capacity. He says the native Filipinos are strongly opposed to Chinese labor, and in his opinion the exclusion of the Chinese from the islands would aid materially in bringing the war to a close. He places the Chinese population at 52,000, which is considerably more than other estimates from official sources. The letter is dated July 26, and brings the situation up to a recent date. It has been turned over to the War Department to be used in the general consideration of the exclusion question.

The Chinese Government has shown more

WILLIAM BAIN'S BODY WAS BURIED IN POTTER'S FIELD.

HE HAD BEEN MISSING SINCE AUGUST 6-WAS TAKEN FROM THE RIVER ON AUGUST 10 AND NOT IDENTI-

FIED AT THE MORGUE.

William Bain, a young friend of the son of Rear Admiral Schley, suddenly disappeared on August 6 last. His relatives have been anxiously seeking him ever since. Only yesterday it was discovered that his body had been lying in a nameless grave in Potter's Field since August 15. The identification was made through his clothing and lewelry and by means photographs. Bain's body was found in the was thought to have been in the water about four days. It was kept at the Morgue for four days more and then buried. An autopsy showed that death was due to drowning, and at the

He left the store a little after noon, but did not, as far as can be ascertained, go to his room at No. 44 Perry-st. On the evening of Sunday, August 6, he was met hy Henry Ratz another employe of Austin, Nichols & Co., at Fifty-ninthand Eighth-ave. That was the last any of

appeared and inquired about him. He was und a letter from C. C. Schley, the son of in the war by the firm, and there met young een the two. Schley and Bain had talked of letter was an appointment made by young Schley to meet Bain at the Marlborough Hotel on August 7. Bain was a steady, sober, industrious and capable young man, and the firm could not account for his sudden disappearance

His father, Thomas Bain, of Swampscott, morning, and seemed to be much worried over his son's disappearance. The body had not been The identification was ma n, Mass, who is a A sister of young the Bain family A sister of young Bain is the employ of Dearborn. Dearborn was ac-mpanied by Henry Ratz, who identified the othing and the cuff buttons with the initials ir minds that the effects at the Morgue were

nmitted suicide. He was happy, they say, i plenty of money, and was at the head of thth-ave, he appeared to be unusually ch , and spoke of feeling in excellent health and spoke of reeling in excellent heath. He expected shows, the body was in the water to four days. Bain must have fallen in or led in, or perhaps been thrown in, along Ratz met him. There is considerable mysahout the case. The body will be sent to improve the case of the family plot, effort was made to see C. C. Schley at the Maribourup less agents, but he could not have been to be sent to all the family plot. Hotel Mariborough last evening, but he could not

## NO DECISION YET IN CARTER CASE.

ATTORNEY GENERAL GRIGGS SAYS HE IS WAITING TO HEAR THE CAP-TAIN'S COUNSEL

Griggs made the following statement to-night regarding the case of Captain Oberlin M. Carter, charged with misappropriating Government ing the harbor of Savannah

technical details of the different branches of the sential points of his evidence concerning Dreywork in the very fullest manner. Nothing more fus's acquaintanceship with a foreign attache, can be done in the matter until Wayne Mac- and when M. Demange capped his successful exconditions is practically inactive, owing to vari- Veagh, counsel for Captain Carter, has made his amination of these points by promising to show argument before me. Mr. MacVeagh is now in M. Dubreuil's record in the law courts as far Europe, and will not return to this country from clear, the witness left the stand badly disuntil about September 15. As soon after he returns as convenient, a date will be set for Mr. MacVeagh to present his oral argument in behalf of Captain Carter before me. After that I

"There is absolutely no truth in the published there is absolutely no truth in the published statements that I have arrived at a decision in the case, and that it will be made public in a few days. How could I come to a decision without first hearing the argument of the defendant's counsel, even if I had made up my mind in regard to the case after examining the evidence? Would it be proper for me to anevidence? Would it be proper for me to announce my decision without first hearing Mr. MacVeagh?"

# TORRES MARCHES AWAY FROM YAQUIS.

INFORMATION IN REGARD TO THE NUMBER OF

Potam, Mexico (via Nogales, Ariz.), Aug. 23 General Torres, with his command, arrived opposite Torin this afternoon, and every one is asking why he advanced to within two or three miles of where several hundred warriors were known to be and then turned and marched to Torin. Information has been received that a great many of the have returned within the last two days to Vicam A small band of Indians, with bows and arrows, has been passing up and down the river, killing all the horses and mules they find. A great many rafts have been coming down the stream during the last week. They are built by the Indians as a means of crossing the river on their way to the

Fontes, the commissario at Potam, sent a Yaqui to the Bacatete Mountains with some horses to the Bacatete Mountains with some horses to be left there in pasture. He returned to-day, and tells how he was made prisoner by some hostiles on his return. Claiming to be a sympathizer and easer to join them, he gained their confidence and when an opportunity arrived he mounted a fast horse he had selected and placed in the brush, and pulled out for the valley as fast as possible. He says there were about four hundred Indians with their families at this one place, and that from conversations he judged there were several other camps almost as large.

WOULD HAVE NEGROES FIGHT FOR POWER.

MAKE GUNS AND USE THEM.

Atlantic City, N. J., Aug. 23.-At to-day's session of the colored Baptist congress of the United States the Rev. Dr Robinson, of Pittsburg, in an address declated that the colored race "must paddle its own canoe. We must get money, banks, railroads," he continued, "learn how to make guns and powder, etc., and then learn to use them be-fore we can become a power in this country." He closed by asserting that "the North, the South and the devil in hell are against the negro, and God is the only one who will accept us."

FIRES UNDER COMPLETE CONTROL.

Albany, Aug. 23.-The State Fisheries Game and Forest Commission to-day received a telegram from Commissioner Babcock, who has been in the Adirondacks for the last week directing the force of men fighting the forest fires in that region. The telegram says the fires are either completely ex-tinguished or under full control, the flames being confined to roots and underbrush, with no danger of the flames spreading to large timber. The fires have been mostly in waste lands, no virgin forest

OUTINGS IN THE MOUNTAINS. Try Mount Pocono, Water Gap, Lake Hopatcong, three of many on Lackawanna Railroad, 429 Broadway. Fine hotels. Fishing. Sports.-Advt.

PRICE THREE CENTS.

M. LABORI DEMOLISHING THE

FLIMSY CASE AGAINST HIM.

ESTERHAZY CALLED FOR AT RENNES. BUT DOES NOT RESPOND-GEN-ERAL GONSE DISCOMFITED.

day was comparatively uneventful. The deposiflimslest trash, which the prosecution deems profitable to inflict on the judges and which the latter accept as evidence, was proceeded with Much of the ridiculous testimony of the morning was devoted to an attempt to blast Dreyfus's private character, though, when Mattres Labort and Demange had finished with the witnesses their bubbles of tittle tattle were badly

LABORI'S WORK WELL DONE.

Much of the time was occupied in reading the testimony of Esterhazy and Mme. Pays before the audience left the court. M. Labori again points of the evidence. He was less flerce, however than vesterday, though quite aggressiv enough to arouse the latent hostility of judges, which showed 'tself in various ways. M. Labori is no favorite, either Major Carrière, the Government Commissary Only occasionally he put his hands to his back though suffering pain. His wife followed his every movement through a gold and tortoise

Madame Rejane, the actress, was again an interested spectator in court to-day, especially when M. Labort was on his feet and his was vibrating through the hall. Her eyes anger or satisfaction, with the keen interes with which spectators in a theatre follow her remain still an instant, twitching his fingers and shaking the papers in his hand. Counsel was almost too impatient to wait till the witnesses concluded their testimony.

GENERAL GONSE MEETS HIS MATCH. The only dangerous opponent of Dreyfus today was General Gonse, who mounted the stage with a quick step and apparently light heart But he left badly mauled by M. Labori,

General Gonse began by declaring he cam to defend his honor against those against him. But when his cross-examination was finished he returned to his seat crestfalon the attempts of the General Staff to shield Esterhazy, and had shown that the General Staff, for which Gonse was responsible, had engineered Esterhazy's escape hands of justice. The confident tones of the General dwindled into a still, small voice, and his defiant bearing changed into the abashed

of a schoolboy caught telling a lie. The day proved certainly a poor one General Staff. Two good samples of the men put up to sully Dreyfus's private character were the third and fourth witnesses. First, Major Du Chatelet repeated an alleged conversation of Dreyfus regarding a woman at whose house Dreyfus is said to have gambled and lost money. But, when cross-examined, Du Chatelet's mem ory failed him entirely, especially when asked

credited. JAURES PREDICTS ACQUITTAL

The correspondent of The Associated Press talked this afternoon with M. Jaures, the Socialist leader, who, with Mathieu Dreyfus, sees Maitre Labori every day after the session, and who is acquainted with the entire tactics of the defence. M. Jaures said:

"I am convinced that Dreyfus will be acquitted. He must be acquitted, for no new fact has been brought up against him. The generals, I believe, are going to make their last stand on Bertillon's system, which they intend to submit as proving Dreyfus guilty. Intelligent men laugh at it, but it is very ingenious and has the merit, in the eyes of the generals, of being incomprehensible to an ordinary man, and thus calculated to impress him, if supported by the puppets of the Gen-

eral Staff. "Bertillon's theory has already been intro duced by some of the military witnesses, who declare their confidence in it. The trial, in my belief, will last about another twenty days."

THE PROCEEDINGS IN DETAIL.

M. LABORI'S EFFECTIVE WORK AMONG THE PROSECUTION'S WITNESSES -FLIMSY EVIDENCE.

Rennes, Aug. 23.-Maitre Labori, leading counsel for the defence, and Mme. Labort were present in court to-day when the session of the Dreyfus court martial opened at the Lycée at 6:30 a. m. As M. Labori was entering the court he was informed by a newspaper man that General Roget yesterday received documents from Major Count Esterhazy, who is now in London. Counsel was much interested, and gleaned all the information possible. On the arrival in court of General Roget, it was noticed that he carried a bulky

envelope containing the documents referred to. The session began with the testimony of minor witnesses, including Controller Roy and Major Dreviell. The latter deposed that Dreyfus, while on the General Staff, could have had access to documents, unperceived, during certain hours of the day. The prisoner, replying, admitted that he was present during those hours, but explained that his presence was connected with

his duties.

The fourth witness was M. Dubreuil, who was employed in the German section of the Second Bureau of the War Office. He told a gossipy story of meeting Dreyfus at the house of an acquaintance, M. Bodson, in 1884, when Dreyfus was a lieutenant, and to seeing the latter conversing with a man described to the witness as a German attaché. He told his acquaintance that he could not frequent his house if the German visited him. The acquaintance, it appeared, replied, excusing the fact by saying that the German was not his, but his wife's friend, which caused a general laugh in the court, which became louder when M. Dubreuil, later, remarked that he had no prejudice against Dreyfus for visiting his acquaintance, or rather his

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